REMARKS/ARGUMENTS

The Applicants hereby thank the Examiner for the observations in the previous Final Office Action. Claims 1, 4, 8, 10, 13, 16, 17, 18 and 20 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants belief that the Claims would have been allowable as originally filed. Claims 4, 10, 16, 17, 18 and 20 are herein amended to eliminate informalities only.

The foregoing amendments are believed to be fully supported by the priority document, U.S. Provisional Patent Application Serial No. 60/520,752, entitled "Ring Interface for TV Programming Guide," filed on November 17, 2003, as well as the following documents having been incorporated by reference in the present application: U.S. Patent Application Serial No. 10/806,713, entitled "3-Dimensional Browsing and Selection Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,876, entitled "Candidate Data Selection and Display Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,832, entitled "Filter Criteria and Results Display Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,712, entitled "Automatic Content Display Apparatus and Method," filed on March 23, 2004; U.S. Patent Application Serial No. 10/806,646, entitled "Display Filter Criteria and Results Display Apparatus and Method," filed on March 23, 2004; and U.S. Patent Application Serial No. 10/806,830, entitled "Interactive Program Guide with Preferred Items List Apparatus and Method," filed on March 23, 2004.

The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be expeditiously resolved.

Previous Rejection of Claims 1-20 under 35 U.S.C. § 103(a)

Claims 1-20 have been previously rejected under 35 U.S.C. § 103(a), as being unpatentable over Sie et al. (US 2003/0233656), in view of Fries et al. (US 2004/0078807), and in further view of Shaya (US 2002/0161664). The Applicants respectfully traverse these grounds for rejection on this basis. Independent Claims 1, 8, and 13 are herein generally amended to include a recitation of "at least one smart filter."

With respect to the primary cited reference, Sie merely discloses: "... a method for generating a personalized menu promoting other video programs available from a video content delivery system is disclosed. *The video content delivery system provides a plurality of channels of video content simultaneously.* In one step, it is determined that a triggering event has occurred with a video content delivery conduit. First information about one or more users is gathered. The one or more users are associated with an account with the video content delivery system. Alternative video programs are determined and personalized for the one or more users based, at least in part, upon the first information. The context for the triggering event is analyzed to produce second information. A configuration of the personalized menu is determined based, at least in part, upon the second information. The personalized menu is formulated for presentment to the one or more users. The personalized menu comprises links to the alternative video programs[.]" (Abstract)

With respect to the secondary cited reference, Fries merely discloses: "... electronic program guides and multimedia presentation devices. One implementation, described herein, provides *a unified access to multiple electronic program guides (EPGs) from multiple programming and guide data sources* (e.g., local broadcast, satellite broadcast, DVR, VoD, etc.). With this implementation, multiple EPGs from a variety of sources are presented in a single common user interface (UI). Therefore, the television viewer may search/browse the EPG of all sources concurrently. The scope of the exemplary e-commerce facilitation is pointed out in the appending claims." (Abstract)

With respect to the tertiary cited reference, Shaya actually discloses: "... Yet another hybrid data processing model that may be employed combines collaborative and content-based filtering. FIG. 11 illustrates ***a cascade*** **of collaborative and content-based filters 1100** utilized in certain embodiments of the invention. **Cascade 1100** represents a novel approach to exploiting both social and content information that is particularly well suited to the present invention. With **this cascaded architecture 1100**, the collaborative filter 1102 is tuned to output predicted ratings 1103 **for many products** based on a current consumer's characterization profile 1107 and the knowledge regarding all consumers and **products contained in database 1101**. Ratings outputs 1103 then form the input to content-based filter 1104, which **selects products** from those inputs for which the **product features stored in the product features database 1105** match well with the user's aesthetic choices contained in the personal profile information. The **products selected by content-based filter 1104** comprise the final recommendations 1106 output by the **product recommendation** engine." (Para. [0164]; Fig. 11) In essence, Shaya merely teaches using **a single cascade** of filters 1100 for recommending products, e.g., for online shopping of consumer goods, **not audio-video content via a signal transmission**, to consumers, wherein **the product information** is gleaned **from a database** 1101, **not via a signal transmission from a primary service provider as in the presently claimed invention.**

In contrast to Sie, even in view of Fries, and even in further view of Shaya, the present invention involves "**at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter comprising an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, each at least one smart filter being customizable for each at least one user, wherein the at least one smart filter simultaneously considers content across a plurality of media, whereby a coordinated joint display, comprising a plurality of integrated results, is provided the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats**[.]"

As such, Sie, even in view of Fries, and even in further view of Shaya, cannot simultaneously consider content across the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content by using only one cascade of filters. The single cascade of filters of Shaya cannot accomplish the result emanating from simultaneous consideration of content by **at least one smart filter having an enhanced suggestion engine, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats,** as presently claimed. In other words, Shaya processes the signals in series while the present invention processes the signals in parallel. As such, the present invention uses a distinct filter architecture involving **at least one smart filter having an enhanced suggestion engine**, rather than merely a single cascade, in order to ***simultaneously consider content, wherein the content comprises a plurality*** **of discrete selectable items of** ***audio/video content*****, wherein** ***a first plurality*** **of the discrete selectable items of audio/video content differ from** ***a second plurality*** **of the discrete selectable items of audio/video content** ***with respect to a primary transmission service provider.***

Accordingly, the Applicants respectfully submit that Sie, even in view of Fries, and even in further view of Shaya, does not teach, suggest, motivate, or otherwise obviate, in any other manner, the combination of elements and limitations, *inter alia*, as recited by herein amended independent Claims 1, 8, and 13, respectively reciting:

> 1. A method of selecting content by way of a multi-source interactive programming guide apparatus, comprising the steps of:
>
> providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content, wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider;
>
> **providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least**

one user, wherein the at least one smart filter simultaneously considers content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats;

providing at least one selection criterion;

applying the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content to provide a resultant selection of the first plurality of discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content;

displaying programming guide information comprising information regarding at least a portion of the resultant selection;

supporting a programming guide navigation;

reviewing and browsing the information regarding the at least one portion of the resultant selection;

if selecting a particular item of the plurality of discrete selectable items, providing a selection response; and

if not selecting a particular item of the plurality of discrete selectable items, returning to the supporting step. [emphasis added]

8. An interactive multi-source programming guide apparatus, comprising:

a data processing unit comprising at least one element selected from a group consisting essentially of a fixed-purpose dedicated platform, a partially-programmable platform, a cable, and a satellite set-top box;

a plurality of characterizing descriptors, each of which individually correspond to a plurality of discrete selectable items of audio/video content, wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider and at least one selection criterion;

at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter comprising an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, each at least one smart filter being customizable for each at least one user, wherein the at least one smart filter simultaneously considers content across a plurality of media, whereby a coordinated joint display comprising a plurality of integrated results, is provided, the plurality of integrated results, comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats; and

a control circuitry adapted to:

apply the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content to provide a resultant selection of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content;

display programming guide information comprising information regarding at least a portion of the resultant selection; and

a support programming guide navigation,

wherein the data processing unit utilizes the plurality of characterizing descriptors, the plurality of cascading filters, the control circuitry, and the support programming guide navigation. [emphasis added]

13. A method of providing an interactive multi-source programming guide apparatus, comprising the steps of:

providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs, wherein a first plurality of the discrete selectable audio/visual programs differ from a second plurality of the discrete selectable audio/visual programs with respect to a primary transmission service provider;

providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword, the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user, wherein the at least one smart filter simultaneously considers content across a plurality of media, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats;

providing at least one selection criterion that corresponds to a given individual;

applying the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable audio/visual programs and the second plurality of the discrete selectable audio/visual programs to provide a resultant selection of the first plurality of the discrete selectable audio/visual programs and the second plurality of the discrete selectable audio/visual programs;

displaying programming guide information comprising information regarding at least a portion of the resultant selection; and

providing a support programming guide navigation. [emphasis added]

Consequently, Claims 2-7, 9-12, and 14-20 now respectively subsume the limitations of herein amended Claims 1, 8, and 13 by dependency thereto.

Thus, the Applicants respectfully submit that Claims 1-20 have not been taught, suggested, motivated, or otherwise obviated, in any other manner, by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection of Claims 1-20 on this basis are withdrawn and that Claims 1-20 are passed to allowance in due course.

CONCLUSION

Accordingly, Claims 1, 4, 8, 10, 13, 16, 17, 18 and 20 have been herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as previously amended. The Applicants respectfully reassert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. ***The Examiner is further cordially invited to telephone Mr. Thomas F. Lebens for any reason which would advance allowance of the pending claims.*** In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

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